

REMARKS/ARGUMENTS

Claim 46 has been placed in independent form and is thus allowable.

Pending claims 49, 57-60 and 73-74 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,273,535 (Inoue) in view of U.S. Patent No. 5,604,227 (Starkweather) and further in view of U.S. Patent No. 6,477,318 (Ishii). Applicants respectfully traverse the rejection. Claim 49 is patentable at least because it depends from allowable claim 46. Claims 57-60 and 73-74 are patentable at least for the same reasons that claim 46 is patentable.

Pending claims 61-66 and 69-72 stand rejected under 35 U.S.C. §103(a) over Inoue in view of Starkweather. Applicants respectfully traverse the rejection. As to amended claim 61, the Office Action concedes that nowhere does Inoue teach or suggest comparing device profile information of a first file having image data to at least part of prior received device profile information of a second file. Office Action, p. 12. Nor does Starkweather. Instead, all that Starkweather teaches is that a modified device profile is sent to an output device. However, this modified device profile bears no relation to a file having image data. Instead, the modified device profile of Starkweather is used to calibrate an output device. Nor does Starkweather teach or suggest the claimed comparing, as Starkweather nowhere teaches or suggests that an illuminant tag value portion of device profile information of a first file including image data is compared to an illuminant tag value portion of prior received device profile information that is associated with a second file including image data. Accordingly, claims 61-66 and 69-72 are patentable over the cited art.

For at least the same reasons, the rejection of claim 67 over Inoue in view of Starkweather and in further view of Ishii is also overcome.

As to new claims 75-78, none of the references teach or suggest storing a portion of a device profile transferred from a digital imaging device, where the portion includes an illuminant tag value representative of a color relation between an input color space and a profile color space. As indicated by the Office Action (Office Action, p. 15, Allowable Subject Matter), the cited references nowhere teach or suggest storing an illuminant tag value representative of a color relation between an input color space and a profile color space.

Furthermore, none of the references, alone or in combination, teach or suggest dynamic profile generation via storage of an illuminant tag value. Inoue and Starkweather do not teach or suggest such dynamic operation, as conceded by the Office Action. Office Action, pp. 8-9. In

this regard, Starkweather merely provides color sampling data from a color detector to a processor. This color sampling data is not a device profile, nor does it include an illuminant tag value. Instead, the Office Action refers to col. 2 of Starkweather in which it is taught that the color detector includes a light source to illuminate a color sample. However, nowhere does this teach or suggest generation of an illuminant tag value representative of a color relation between an input color space and a profile color space. This is especially so, as Starkweather nowhere teaches any capture or use of information regarding the illumination. Instead, Starkweather only teaches detection of color sampling data for a calibration, not an illuminant tag value. Of course, Ishii nowhere teaches this either.

Also, there is no motivation to combine Inoue with Starkweather. In this regard, Starkweather is a system for calibrating image data between a color display and a color printer. There is no teaching or suggestion to use its calibration system for image capture devices. This is especially so, as the present application indicates the non-applicability of a substantially constant capture environment such as that disclosed in Starkweather to the recited digital imaging device. Specification, p. 6, ln. 10 – ln. 20.

Nor does the inclusion of Ishii with Inoue and Starkweather teach or suggest dynamically generating a profile by transferring an image file from the imaging device. Instead, Ishii teaches storing color space data and image data in the imaging device itself. Thus Ishii fails to teach the claimed dynamic generation in a system to which the image file is transferred. Thus new claims 75-78 are patentable.

Statement Of The Substance Of The Interview

The undersigned and Examiner Haythim J. Alaubaidi had a telephonic interview on June 27, 2005 in which a proposed amended claim 44 was discussed. However, no agreement was reached. The undersigned respectfully thanks the Examiner for the time and consideration extended during the interview.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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